

Senate File 2257 - Introduced

SENATE FILE 2257

BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SF 2091)

A BILL FOR

1 An Act relating to requirements for motorists approaching
2 certain stationary vehicles on the highway, and providing
3 penalties.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.323A, Code 2011, is amended to read
2 as follows:

3 **321.323A Approaching certain stationary vehicles.**

4 1. The operator of a motor vehicle approaching a stationary
5 authorized emergency vehicle that is displaying flashing
6 yellow, amber, white, red, or red and blue lights shall
7 approach the authorized emergency vehicle with due caution and
8 shall proceed in one of the following manners, absent any other
9 direction by a peace officer:

10 a. Make a lane change into a lane not adjacent to the
11 authorized emergency vehicle if possible in the existing safety
12 and traffic conditions.

13 b. If a lane change under paragraph "a" would be impossible,
14 prohibited by law, or unsafe, reduce the speed of the motor
15 vehicle to a speed that is at least ten miles per hour below the
16 posted speed limit and is reasonable and proper speed for the
17 existing road and traffic conditions, ~~which speed shall be less~~
18 ~~than the posted speed limit,~~ and be prepared to stop.

19 2. The operator of a motor vehicle approaching a stationary
20 towing or recovery vehicle, a stationary utility maintenance
21 vehicle, a stationary municipal maintenance vehicle, or a
22 stationary highway maintenance vehicle, that is displaying
23 flashing yellow, amber, or red lights, shall approach the
24 vehicle with due caution and shall proceed in one of the
25 following manners, absent any other direction by a peace
26 officer:

27 a. Make a lane change into a lane not adjacent to the
28 towing, recovery, utility maintenance, municipal maintenance,
29 or highway maintenance vehicle if possible in the existing
30 safety and traffic conditions.

31 b. If a lane change under paragraph "a" would be impossible,
32 prohibited by law, or unsafe, reduce the speed of the motor
33 vehicle to a speed that is at least ten miles per hour below the
34 posted speed limit and is reasonable and proper speed for the
35 existing road and traffic conditions, ~~which speed shall be less~~

1 ~~than the posted speed limit~~, and be prepared to stop.

2 3. a. A person convicted of a violation of this section
3 commits a simple misdemeanor punishable as a scheduled
4 violation under section 805.8A, subsection 11.

5 b. A person convicted of a violation of this section which
6 resulted in an accident causing bodily injury to or the death
7 of another person may be subject to the following penalties in
8 addition to the penalty provided for a scheduled violation in
9 section 805.8A, subsection 11, or any other penalty provided
10 by law:

11 (1) For a violation causing bodily injury to another person,
12 a fine of five hundred dollars.

13 (2) For a violation causing death, a fine of one thousand
14 dollars.

15 c. Upon receiving a record of a person's conviction for a
16 violation under paragraph "a" which resulted in an accident
17 causing damage to the property of another person or bodily
18 injury to or death of another person, the department shall
19 suspend the person's driver's license or operating privileges,
20 upon thirty days' notice and without preliminary hearing, as
21 follows:

22 (1) For a violation causing damage to the property of
23 another person, but not resulting in bodily injury to another
24 person, the department shall suspend the violator's driver's
25 license or operating privileges for ninety days.

26 (2) For a violation causing bodily injury to another person,
27 the department shall suspend the violator's driver's license or
28 operating privileges for one hundred eighty days.

29 (3) For a violation causing death, the department shall
30 suspend the violator's driver's license or operating privileges
31 for one year.

32 Sec. 2. Section 321.482A, unnumbered paragraph 1, Code
33 2011, is amended to read as follows:

34 Notwithstanding section 321.482, a person who is convicted
35 of operating a motor vehicle in violation of section 321.178,

1 at least 10 miles per hour below the posted speed limit and
2 is reasonable and proper for the existing road and traffic
3 conditions and the driver shall be prepared to stop.

4 Under current law, a violation of the requirements to move
5 over or slow down when approaching certain stationary vehicles
6 is a simple misdemeanor punishable by a scheduled fine of \$100.
7 However, if the violation causes a serious personal injury,
8 a court could impose an additional fine of \$500 or suspend
9 the person's driver's license for not more than 90 days, or
10 both. If the violation causes a death, a court could impose
11 an additional fine of \$1,000 or suspend the person's driver's
12 license for not more than 180 days, or both.

13 Under the bill, a violation is still a simple misdemeanor
14 punishable by a scheduled fine of \$100, but the bill
15 establishes an additional penalty for violations causing damage
16 to property, revises the existing penalties for violations
17 resulting in bodily injury or death, and makes the driver's
18 license sanctions mandatory. The bill provides that if the
19 violation results in an accident causing damage to the property
20 of another person but not causing bodily injury to another
21 person, the department of transportation shall suspend the
22 person's driver's license or operating privileges for 90
23 days. If the violation results in an accident causing bodily
24 injury to another person, the department shall suspend the
25 person's driver's license or operating privileges for 180
26 days, and the court may impose a fine of \$500 in addition to
27 any other penalty provided by law. This differs from current
28 law, which allows a \$500 fine for violations causing bodily
29 injury which meets the standard for serious bodily injury. The
30 bill provides that if the violation results in an accident
31 causing death, the department shall suspend the person's
32 driver's license or operating privileges for one year and, as
33 is currently the case, the court may impose a fine of \$1,000 in
34 addition to any other penalty provided by law.

35 The bill requires the department of transportation and the

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1 department of public safety to establish educational programs
2 to promote public awareness and compliance with requirements
3 for motorists approaching certain stationary vehicles.